

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RACHEL YOUNGER, Individually and as
Administrator of the Estate of NATHANIEL
YOUNGER,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE COMPANY
and UBS FINANCIAL SERVICES, INC.,

Defendants.

Civil Action No.: 11-civ-1173 (TPG)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that defendant Zurich American Insurance Company (“Zurich American”), through its attorneys White and Williams LLP, upon a certification of Andrew I. Hamelsky, dated June 15, 2011, and a memorandum of law, shall move before this Court at a time to be determined by the Court, before the Honorable Thomas P. Griesa, U.S.D.J., for an order providing that the Second Claim and Third Claim of the amended complaint (ECF 27) are dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

Date: June 15, 2011

Respectfully submitted,

s/ Andrew I. Hamelsky
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